

MINUTES
FREEPORT PROJECT REVIEW BOARD
FREEPORT TOWN HALL COUNCIL CHAMBERS
WEDNESDAY, October 19, 2022
6 P.M.
Hybrid Meeting

Attending: Linda Berger, Jason Donahue, Lynn Hamlen, Ford Reiche, Vice Chair Tod Yankee and Caroline Pelletier, Town Planner

Excused: Chair Guy Blanchard and James Monteleone (he arrived at 6:50 p.m.)

Vice Chair Yankee called the meeting to order at 6:05 p.m.

ITEM I: Information Exchange

1) Update on Staff Approvals

Ms. Pelletier advised that staff approvals were in the Board's digital packets but she showed them on a screen. There was one staff approval for replacement signage for Pet Medic. They are going down to Freeport Crossings near Shaw's. They are replacing an existing sign over an entrance and they are replacing the sign face on the kiosk along the road.

2) Update on topics reviewed by the Planning Board

Ms. Pelletier explained that the Planning Board continues to discuss cannabis. They are getting closer to public hearing. It's at the Town Attorney for legal review. She feels they will have one final run through this month and then next month they will probably go to hearing on the possible new cannabis uses in Freeport. They have not yet taken action on the Site Plan changes. We will do that at the same time we do cannabis due to the extensive notification that is involved in that process. They recently made some additional changes to our non-conforming language in our Zoning Ordinance, one was approved by the Council last night. They previously did language to allow expansions to non-conforming structures. Last night was to allow alterations to legally non-conforming lots that either predate zoning or predate an amendment to the Zoning Ordinance. The way it was written in the past is that if you had a legally non-conforming lot, you could not alter it because you essentially created a violation because you created a lot that was not conforming. Last night's change would allow you to alter your lot if you don't increase any of the non-conformities. She provided examples for the Board. This is a request we have received on and off over the years.

3) Update on the Freeport Downtown Vision Plan Implementation

Ms. Pelletier explained that the Town Council had a big community workshop last week at the Community Center with over 100 people in participation. Mr. Yankee and Ms. Berger were there. The Task Force has gone through the 80 plus ideas, goals and projects that were presented in the Downtown Village Implementation Table and they have narrowed it down to about 24. They presented that narrowed-down list to the community and the Council for review and discussion in a workshop set-up with different stations. She believes the short list will go to the Council for some future action. The next steps are pending due to the Election and a lull in the Council's meeting schedule but that conversation continues to move forward. If you had interest in the meeting but couldn't make it, it was recorded in a modified version. They couldn't record all the workshop stations. You can find it on the Town's website. We are still doing regular e-mail updates. If you don't get the Vision Newsletter, and you are interested, please send her an e-mail. And she will add you to the list. We send e-mails once a month.

Vice Chair Yankee added that it sounds like the next steps are to start prioritizing in terms of what is the low hanging fruit, what can be done upfront, what is feasible to do upfront, what funding may be available to pick off things that way to start prioritizing and trying to assign some dollars as well and also the level of effort to implement them as well. There is definitely a lot of moving pieces. Ms. Berger added that there was a lot of commentary on parking and removal of parking or what used to be and what is now. That seemed to be a hot button. Mr. Yankee added that he also heard related to parking was traffic flow for both pedestrian and vehicle. Ms. Berger mentioned housing issues will be ongoing. Ms. Pelletier advised that Complete Streets is in the early phases of looking at some of our downtown parking and that we are going to have some changes in uses. She was in a meeting today that was not related to that but people want to look at signage. We have signs

everywhere but no one knows where to park. With regards to housing, the Council started having a public workshop which she reported to the Board at the last meeting about housing so she thinks we will see some community discussions continue as we go forward into early winter. If anyone wants to be involved on their own, they definitely can do that. Ms. Berger explained that the Council did say they were going to create a Housing Committee or some sort of Housing Authority. It has not yet been done. She thought it was going to be brought up last night but she did not hear it while she was listening. That is something that will be going forward and then there will be implications for zoning and regulations and all kinds of stuff that will be involved sooner or later. Ms. Pelletier advised that the next regular meeting when they could take that up will be in December. Mr. Joseph pointed out that they did talk about having a special meeting possibly in the late half of November because they will have a lot of business to take up after the election. The elected Councilors are generally sworn in on the Tuesday following the election.

ITEM II: Review of the minutes from the September 21, 2022 Project Review Board meeting.

MOVED AND SECONDED: To approve the Minutes of September 21, 2022 as printed. (Hamlen & Reiche) **VOTE:**
(5 Yes) (2 Excused-Blanchard & Monteleone) (0 No)

Ms. Pelletier reminded the Board that from the last meeting there was a mylar that was going to be signed so at the end of tonight's meeting, please be sure to stop and sign it.

ITEM III: Reviews

Daniel Residence – South Street - Design Review Certificate

The applicant is seeking approval of a Design Review Certificate for exterior alterations at their property at 19 South Street. Modifications to the design of a previously approved addition (approved by the Project Review Board on 10/20/21) are proposed. Zoning District: Village Mixed Use 2 (VMU-2), Design Review District II – Class C & Freeport Village Overlay District. Tax Assessor Map 10, Lot 2 (19 South Street). Dennis and Ruth Daniel, applicant and owners.

Ms. Pelletier pointed out that this was before the Board a year ago. It is a single-family residence on South Street. They wanted to enclose an area that is currently steps leading entry to the house. They were proposing an 11' x 33" addition. As they have had the past year and went through different things, they decided the design was not perfect and there was some snow consideration they hadn't thought about. They feel they need to expand from what they previously had approved. They are still keeping the 11' but they are going to go out 69" so they will be closer to the road. The materials are still the same. They will have a solid façade of vinyl siding to match the house. It will be a peaked roof with shingles and underneath they will do skirting. They will have to take up some walkway since there will no longer be a door there and they will grass that over. It is in the Village Overlay District but because it is an existing single-family, there is no standard in that document that this Board has to design. For an existing single-families, they come under the purview of the Codes Officer. From a Staff perspective, they have no concerns with the application. Mr. and Mrs. Daniel are here tonight if the Board has any questions.

Mrs. Daniel advised that when they realized that the window was below the addition, it became apparent that rain or snow would harm their building with the placement so they feel they need to go beyond that window. Mr. Donahue asked if there will be a window facing the South Street side? Mrs. Daniel advised that there is a window there now. They will just be bringing it forward.

Design Review Ordinance: Chapter 22 Section VII.C.

- 1. Scale of the Building. The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building "presence"; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.**

The overall scale of the building will not be altered. Based upon this information, the Board finds that this standard has been met.

2. **Height.** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood.

The height of the overall structure will not be altered. Based upon this information, the Board finds that this standard has been met.

3. **Proportion of Building's Front Facade.** The "first impression" a building gives is that of its front facade, the side of the building, which faces the most frequently used public way. The relationship of the width to the height of the front facade should be visually compatible with that of its neighbors.

The relationship of height to width of the façade will not be altered. Based upon this information, the Board finds that this standard has been met.

4. **Rhythm of Solids to Voids in Front Facades.** When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

The facade of the addition will be eleven feet in length and will not have any openings on the front. Based upon this information, the Board finds that this standard has been met.

5. **Proportions of Opening within the Facility.** Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.

No openings are proposed for the front façade of the addition. Based upon this information, the Board finds that this standard has been met.

6. **Roof Shapes.** A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.

The addition will have a peaked roof with shingles that will connect to the existing roofline. Based upon this information, the Board finds that this standard has been met.

7. **Relationship of Facade Materials.** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Freeport, many different materials are used on facades - clapboards, shingles, patterned shingles, brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.

The addition will be sided in vinyl as is the remainder of the house. Vinyl skirting is proposed to cover the area below where there are posts. Based upon this information, the Board finds that this standard has been met.

8. **Rhythm of Spaces to Building on Streets.** The building itself is not the only thing you see when you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to buildings should be considered when determining visual compatibility, whether it is between buildings or between buildings and the

street(setback).

The site is already developed and the addition is being added to a portion of the front façade. The addition will comply with the setback requirements of the applicable zoning district. Based upon this information, the Board finds that this standard has been met.

- 9. Site Features. The size, placement and materials of walks, walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.**

The existing brick steps and walkway will be removed. The area of the walkway will be grassed over. Based upon this information, the Board finds that this standard has been met.

- 10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".**

No signs are proposed. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Design Review Ordinance.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate Dennis and Ruth Daniel, exterior alterations including a building addition at 19 South Street (Tax Assessor Map 10, Lot 2), to be built substantially as proposed, application dated 10/28/2022, finding that it meets the standards of the Freeport Design Review Ordinance with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to installation, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Berger & Reiche) **VOTE:** (5 Yes) (2 Excused-Blanchard & Monteleone) (0 No)

Brett Pierce and Kerry Michaels – Cunningham Road – Shoreland Stabilization

The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). Three sections of the shoreline will be stabilized – 265 feet, 100 feet and 30 feet in length. Stabilization methods will include the use of coir logs, rip rap and native plantings. Zoning Districts: Medium Density Residential I (MDR-1) and Shoreland Area (SA). Tax Assessor Map 5A, Lot 34 (23 Cunningham Road). Brett Pierce and Kerry Michaels, applicants & owners; Timothy Forrester, Atlantic Environmental, LLC, representative.

Tim Forrester with Atlantic Environmental advised that he is here on behalf of Brett Pierce and Kerry Michaels of Cunningham Road. He explained that on this particular site, they own the inside of the cove, around the point and round the other side of the bank. There is a fairly large amount of shoreline there and there has been a handful of stabilization projects in an around the adjacent area and one adjacent to further in the cove. They asked them to take a look at it and they came up with an approach that focused on the worse areas of erosion around there, one of which is fairly significant. One is tighter into the cove so they ended up with three different prescriptions on how to resolve the issue. In the area deeper into the cove there is a lot of vegetation along the embankment that is really just undercut right at the head of the salt marsh where it touches into the upland so in that area they didn't want to come in and put a lot of stone or bring in equipment over the salt marsh and they certainly did not want to cut all the trees from the upland side. The method there is a soft engineering approach of coir logs with a coconut fiber mesh. You can get them in different diameters but the 20-inch diameter log in this case fills the void perfectly and they allow the soil to come in and get embedded in the log and

allow for regeneration and plant growth and stop the wave action from continuing to eat away in that spot. Those are held in place with a hemp rope and a duckbill anchor. All this work is done by hand. The duckbill anchor is basically you drive them in on a rod and the rope is attached to it and when you get it down to sufficient depth, you pull back on it and the anchor turns sideways and locks into place. That is the majority of the work on the inside which he thinks is 265 linear feet. Adjacent to that there is an area that is pretty significantly eroded that stems from the edge of the marsh right up to the top of the embankment so it is about 6 feet and, in that area, they are doing a more traditional stabilization approach of large diameter irregular stone that will come in with a skid steer and have an excavator place that material. There are a couple of trees to be removed and an access way created to get them down to the shore. That area is more ledge and cobble so there will be no impact to salt marsh in that area. The last spot is around front. It is much smaller but still showing erosion that should be dealt with. For all that, they can reach over the bank with a small excavator and place those stones. It is only two or three feet in size.

Mr. Forrester pointed out that the project is also reviewed by the Army Corps of Engineers and the MDEP. As part of that they sent out notice to the Maine Historic Preservation and the five Indian tribes in Maine. They did receive notice back from Maine Historic that there is a shell midden on site so they looked into that a little further and spoke to Art Speiss, the Maine Historic Preservation Officer and sent him some additional information. Basically, the shell midden is in the worse spot of erosion so it is basically all exposed and 90% failed and falling apart so they are signing off on that because it is basically a loss and from their perspective they want to see it stabilized and protected and almost buried so that it is preserved as an artifact. The stabilization work would actually help it. He wanted to raise that point because he knows archeology is one of the Board's criteria.

Ms. Pelletier noted she does not have any concerns. She feels Mr. Forrester did a good job summarizing it. She did have questions about the Maine Historic Preservation so she asked him about that. He did send her some documentation to show that they have been in contact with the state. She noted that this is the third one of these shoreline stabilizations that we have seen. It is new to this Board and it is here because under the DEP requirement, shoreline stabilization projects are supposed to be going to the Planning Board but in Freeport the Project Review Board serves the traditional role that a Planning Board serves in many other communities. The only standards we look at are the Shoreland Zoning Standards. Those are our standards that we have to meet the State's minimums under which we need to review. Again, a lot of them are not going to apply. With the stabilization there is a specific standard on stabilization. There are some on vegetation and stormwater erosion. Internally we rely heavily on the Codes Officer to consult with us when these applications do come forward. We have talked about having permits from outside agencies. Those are independent agencies with independent standards. Although they do get DEP permits, it is a different branch of DEP and it is different standards. There could be overlap. She doesn't know what they are but they are separate standards but wanted to clarify the process on why they are here. She is confident as we go through them, we will have questions or different concerns or things we need to learn so reach out as we do that. She does not have any questions or concerns with the application.

Ms. Berger had a question on Exhibit 5, Sheet 103 where Mr. Forrester talks about having an access way by a 12' wide driveway coming down to the area B. She asked if they have to clear that whole 12' wide path? Mr. Forrester noted that their existing primary residence is at the top of the page but they also have several other buildings closer to the shoreline. There is a road that exists for 90% of the proposed access. The only place where they will be doing the additional work is right as you come down that, it turns to get to the shore. There is a fence line and a couple of trees that they need to remove to get down on the shore. He pointed out the area that has the proposed access and they are only disturbing that one spot.

Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 306. Land Use Standards

Notwithstanding the standards of the underlying zoning district(s), all land use activities within the Shoreland Zone, shall also conform with the following provisions if applicable:

A. Space Standards:

Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.

B. Principal and Accessory Structures

Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland

Not applicable as no Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland are proposed. Based upon this information, the Board finds that this standard has been met.

D. Campgrounds.

Not applicable as no campgrounds are proposed. Based upon this information, the Board finds that this standard has been met.

E. Individual Private Campsites.

Not applicable as no individual private campsites are proposed. Based upon this information, the Board finds that this standard has been met.

F. Parking Areas:

Not applicable as no parking areas are proposed. Based upon this information, the Board finds that this standard has been met.

G. Roads and driveways

Not applicable as no roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.

H. Signs:

Not applicable as no signs are proposed. Based upon this information, the Board finds that this standard has been met.

I. Storm Water Runoff

The applicant is proposing shoreland stabilization to stabilize three areas of eroding shoreline. Methods of stabilization include rip rap, coir logs and revegetation using native species. No changes resulting in an increase of stormwater run-off are proposed. Based upon this information, the Board finds that this standard has been met.

J. Septic Waste Disposal

Not applicable as no septic waste disposal systems are proposed. Based upon this information, the Board finds that this standard has been met.

K. Essential Services

Not applicable as no new utility connections are proposed. Based upon this information, the Board finds that this standard has been met.

L. Mineral Exploration

Not applicable as no mineral exploration is proposed. Based upon this information, the Board finds that this standard has been met.

M. Agriculture

Not applicable as no agriculture is proposed. Based upon this information, the Board finds that this standard has been met.

N. Clearing of Vegetation for Activities Other than Timber Harvesting

Four existing trees, over three-inch DBH (Definition of DBH: The diameter of a standing tree measured four and a half (4.5) feet from ground level) will need to be removed. No new cleared openings in the tree canopy are proposed. Replanting will meet the minimum rating of 16 points in a 1,250 sf area. Based upon this information, the Board finds that this standard has been met.

O. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

Four existing trees, over three-inch DBH (Definition of DBH: The diameter of a standing tree measured four and a half (4.5) feet from ground level) will need to be removed. No new cleared openings in the tree canopy are proposed. Replanting will meet the minimum rating of 16 points in a 1,250 sf area. Based upon this information, the Board finds that this standard has been met.

P. Exemptions to Clearing and Vegetation Removal Requirements

No exemptions for clearing are included in this project. Based upon this information, the Board finds that this standard has been met.

Q. Revegetation Requirements

Four existing trees, over three-inch DBH (Definition of DBH: The diameter of a standing tree measured four and a half (4.5) feet from ground level) will need to be removed. No new cleared openings in the tree canopy are proposed. Replanting will meet the minimum rating of 16 points in a 1,250 sf area. Areas where vegetation is removed will be replanted with native species. Plantings will be installed in disturbed areas and along the top of the bank as detailed in the plans included in the packet. Based upon this information, the Board finds that this standard has been met.

R. Erosion and Sedimentation Control

Three sections of the shoreline will be stabilized – 265 feet, 100 feet and 30 feet in length. Stabilization methods will include the use of coir logs, rip rap and native plantings. For the section using coir logs, the logs will be secured using hemp rope and duckbill anchors. This method will require about 398 sf of fill below the Highest Annual Tide (HAT) line. The second section will be stabilized using rip rap which will extend about two-feet below the HAT line and four-feet above the HAT. The third section will also be stabilized using rip rap, however will extend about one-foot below the HAT line and two-feet above, with about 628 square feet of wetland impact. The bottom row of riprap will be installed either in a trench or pinned to the ledge, with a 1:1 slope to minimize wetland impact. The design, including the different stabilization techniques for each of the areas was designed to minimize wetland impact and use the least amount of hardscape necessary. Based upon this information, the Board finds that this standard has been met.

S. Water Quality

The shoreland stabilization project should improve the water quality by reducing sediments runoff from the land. Based upon this information, the Board finds that this standard has been met.

T. Shoreline Stabilization

Vegetation may be removed in excess of the standards in Section 306.N of this Ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Project Review Board. Construction equipment must access the shoreline by barge when feasible as determined by the Project Review Board.

- (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be restored.
- (b) Revegetation must occur in accordance with Section 306.Q

Three sections of the shoreline will be stabilized – 265 feet, 100 feet and 30 feet in length. Stabilization methods will include the use of coir logs, rip rap and native plantings. For the section using coir logs, the logs will be secured using hemp rope and duckbill anchors. This method will require about 398 sf of fill below the Highest Annual Tide (HAT) line. The second section will be stabilized using rip rap which will extend about two-feet below the HAT line and four-feet above the HAT. The third section will also be stabilized using rip rap, however will extend about one-foot below the HAT line and two-feet above, with about 628 square feet of wetland impact. The bottom row of riprap will be installed either in a trench or pinned to the ledge, with a 1:1 slope to minimize wetland impact. The design, including the different stabilization techniques for each of the areas was designed to minimize wetland impact and use the least amount of hardscape necessary. The submission states that it is not financially feasible to access the site by barge to complete the work, due to the location of the existing driveway access. The area disturbed to provide temporary access (less than 12 feet in width) for construction will also be revegetated at the end of the project. Based upon this information, the Board finds that this standard has been met.

U. Soils

This is a shoreline stabilization project and no new land uses are proposed. Based upon this information, the Board finds that this standard has been met.

V. Archaeological Sites

The Maine Historic Preservation Commission did a review of the proposed project. In a letter dated 08/29/2022, Kirk Mahoney notes that a portion of the project is the location of a “shell midden (prehistoric) site 14.117”. Consultation with Dr. Arthur Speiss at the state of Maine is recommended and the applicant has indicated that they have been in contact with the State and will work with the state to protect the site. The Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Town of Freeport Shoreland Zoning Ordinance.

Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 404. Administering Permits

The Project Review Board, the Coastal Waters Commission, or the Codes Enforcement Officer shall approve an application for a permit, only upon finding that the use, activity or structure complies with all requirements of this Ordinance and that it meets the following criteria:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Waterfront District;
8. Will avoid problems associated with floodplain development and use; and
9. Is in conformance with the provisions of Section 306, Land Use Standards.

The project is for shoreline stabilization at a residential property on Cunningham Road. This work will be completed to stabilize the existing eroding shoreline and will thereby improve the water quality in the area. Vegetation removal has been minimized as possible and replanting using native species is proposed. The property is not within the Marine Waterfront District and there is no public access to the water. The Maine Historic Preservation Commission did a review of the proposed project. In a letter dated 08/29/2022, Kirk Mahoney notes that a portion of the project is the location of a "shell midden (prehistoric) site 14.117". Consultation with Dr. Arthur Speiss at the state of Maine is recommended and the applicant has indicated that they have been in contact with the State and will work with the state to protect the site. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Town of Freeport Shoreland Zoning Ordinance.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve a Shoreland Zoning Permit for Brett Pierce and Kerry Michaels for a Shoreline Stabilization Project at a residential property at Tax Assessor Map 5A, Lot 34 (23 Cunningham Road), to be built substantially as proposed in an application dated 09/20/22, finding that it meets the standards of Section 306 & Section 404 of the Town of Freeport Shoreland Zoning Ordinance, with the following conditions of approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions. Prior to the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Donahue & Reiche) **VOTE:** (5 Yes) (2 Excused-Blanchard & Monteleone) (0 No)

Thos Moser Building – Main Street – Design Review Certificate

The applicant is seeking approval of a Design Review Certificate for exterior alterations and material changes at 149 Main Street, including, but not limited to: the front steps and railing, front walkway, side steps and railing and to the porch, and steps and ramp associated with the accessible access to the building. Zoning Districts: Village Commercial II (VC-II), Design Review District I – Class B Building, & Color Overlay District. Tax Assessor Map 12, Lot 28. Tom Curtin, Tom's Home Repair, applicant and representative; The Urban Trust, owner.

Ms. Pelletier explained that the applicant is here representing the Thomas Moser Building. They have three entries to the building. The main entry with the walkway off of Main Street and two side entries. One has a ramp for accessible access and one has stairs to the porch. They are proposing an upgrade to the walkway. They want to change from the stones and go to a brick paver. They are proposing new granite front steps. She e-mailed a picture of what they will look like to the Board today. Since they are doing upgrades, the current railings do not appear to meet code so they will be adding railing and balusters to meet code with regard to height and separation for the balusters. Details on that were included in the submission. As far as materials, there is a lot of change from wood to composite and composite railings. The railing systems would all be white and a lot of the boards they are going to put down for surfaces would be gray composite.

Tom Curtin felt that Ms. Pelletier covered everything that was submitted for review. He offered to answer questions. There were no questions raised.

Design Review Ordinance: Chapter 22 Section VII.C.

1. **Scale of the Building.** The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building "presence"; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

The scale of the building will not be altered. Based upon this information, the Board finds that this standard has been

met.

- 2. Height.** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood.

The height of the building will not be altered. Based upon this information, the Board finds that this standard has been met.

- 3. Proportion of Building's Front Facade.** The "first impression" a building gives is that of its front facade, the side of the building, which faces the most frequently used public way. The relationship of the width to the height of the front facade should be visually compatible with that of its neighbors.

The proportions of the front façade will not be altered. Based upon this information, the Board finds that this standard has been met.

- 4. Rhythm of Solids to Voids in Front Facades.** When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

The rhythm of solids to voids in the front façade will remain unchanged. Based upon this information, the Board finds that this standard has been met.

- 5. Proportions of Opening within the Facility.** Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.

Proportions of openings within the facility will remain unchanged. Based upon this information, the Board finds that this standard has been met.

- 6. Roof Shapes.** A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.

The roof shape of the building will not be altered. Based upon this information, the Board finds that this standard has been met.

- 7. Relationship of Facade Materials.** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Freeport, many different materials are used on facades - clapboards, shingles, patterned shingles, brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.

The existing stone walkway will be replaced with a brick paver walkway. New stacked granite steps will be installed at the front entrance. Railings on the front porch, steps and accessible ramp will be replaced with code compliant railings including balusters, newel posts and white composite material. The two side porches and accessible ramp will be resurfaced using gray composite material. Based upon this information, the Board finds that this standard has been met.

8. Rhythm of Spaces to Building on Streets. The building itself is not the only thing you see when you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to buildings should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street (setback).

The rhythm of spaces to building on the street will not be altered. Based upon this information, the Board finds that this standard has been met.

9. Site Features. The size, placement and materials of walks, walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.

The walkway will have a change in material however will remain in the same location as the existing. Based upon this information, the Board finds that this standard has been met.

10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".

No new signage is proposed. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Design Review Ordinance.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate Tom Curtin, Tom's Home Repair, representing the Urban Trust, for exterior building alterations at 149 Main Street (Tax Assessor Map 12, Lot 28), to be built substantially as proposed, application dated 09/22/22, finding that it meets the standards of Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to the start of construction, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer. (Hamlen & Donahue) **VOTE:** (5 Yes) (2 Excused-Blanchard & Monteleone) (0 No)

Mast Landing LLC – Conway Street / Rogers Road - Site Plan Amendment

The applicant is seeking approval for a Site Plan Amendment at The Beacon Residences – a previously approved multiple-family residential project on Conway Street & Rogers Road. Amendments to the previously approved plans include: building alterations, modifications to the pool and patio, sidewalks, dumpster enclosure & EV charger area, along with other associated modifications. There will be an overall decrease in the amount of impervious area on the site. The general layout of the project will remain unchanged. No additional units are proposed. Zoning District: Commercial IV (C-IV). Tax Assessor Map 22, Lot 24 (Conway Street and Rogers Road; formerly 6 & 8 Desert Road). Mast Landing, LLC, applicant and owner; Aaron Hunter, PE, Sebago Technics and William M. Fletcher, Esq., Fletcher, Selser & Devine, representatives.

Ms. Pelletier explained that this is a new name which happens with subdivisions and big projects that come through the Board. These are commonly known as the Devine Capital Apartments on Desert Road. They have 144 apartments and six

buildings. As they have built out the project, they have made some modifications on the site. They have also made some modifications to the buildings. When they put those modifications into a memo, it was beyond the purview of Staff Approval. The ordinance as written today addresses modifications. It does not mention any increase or decrease in impervious area which is quite often one of our big concerns. In this case there is an overall decrease in impervious area on the site. She quickly ran through some of the changes for the Board. The biggest changes from what the Board has seen in the past is that they modified the proposed patio and made the pool smaller in size and then they made changes to both the clubhouse building and the maintenance building. The applicant is here tonight. There were some renderings in their submissions showing what was previously approved and existing. They have some photos if the Board wants to see them. The square footage change is a little under 4,000 square feet. Staff does not have concerns. It will not negatively impact the stormwater management system on the site due to the location. It really is just adjusting slightly in the overall decrease in impervious area.

Vice Chair Yankee asked about the renderings. Ms. Pelletier clarified that the gray larger of the two was what was previously approved. She noted that if the Board looks at the clubhouse elevation, it appears they cut off the two ends and shrunk it in a bit. That is the most visible of the two structures. Ms. Hamlen noted that the “as built” is what is there and what was approved by the Project Review Board is Project Review Board. She asked why the change in look?

Bill Fletcher introduced himself as the attorney for the applicant and Aaron Hunter who is the Project Engineer with Sebago Technics. He felt that Ms. Pelletier nicely summarized the changes. The construction side of their house was thinking that these changes would be Staff reviewed and approved at final inspection. It was an oversight on their part and Ms. Pelletier corrected them and that is why it is after the fact. The changes were largely driven by costs greater than what was expected so there were some alterations that were made to reduce the size of the clubhouse, the pool and moving the firepit. Two gas grills were added to the amenities in the pool area but that was the bulk of the changes. There are less than 3,000 fewer area covered by surface.

Ms. Hamlen pointed out that it is a very different look from what was approved and is the one built that much less expensive with no columns? Her other question she is trying to understand is if a particular look is approved by the Project Review Board and a quite different product is produced. Ms. Pelletier advised that anyone can come in and ask for a site plan amendment at any time. They are usually done prior to construction but oversights happen and sometimes they are after the fact. The Board has to find that they meet the standards so if you feel a standard for Site Plan Review or the Section 527 is not being met, you can give them that feedback or guidance or act that way. They can make changes but they still have to demonstrate that they meet the same standards. One of her questions that she had was why did the façade change on the clubhouse building? They just had this expense and they had a window before and now it is missing. She understands that there are bathrooms in there in that portion. Mr. Fletcher explained that while the clubhouse footprint changed, it is the same high quality. It looks great.

Ms. Hamlen mentioned that the “as built” looks less colonial to her than what the Project Review Board approved. Ms. Berger pointed out that it disturbs her because it is an after the fact change. If it had come forward, she is confident there would have been a lot of discussion. She feels there should be a more determined effort on the part of contractors to come in in advance of changes. Ms. Pelletier pointed out that it is not in Design Review. It is just the Site Plan Review standards and that one section 527 which does have some façade requirements but is not Design Review. 602 and 527 are more of a guidance and less detail oriented but they are still important.

Ms. Hamlen noted that she thinks the reduction in impervious surface is always a good thing and they saved money. Mr. Fletcher assured the Board that this is not their practice to come in after the fact. He did not recall the discussions on the details of the clubhouse itself. He felt it was more about the structure and location. Ms. Pelletier advised that there was quite a lot of discussion on the façades and the visibility of the façades from the abutting property which is what the standard is. They did spend quite a bit of time on the general appearance but it is a different level of detail. She would say in regards to Staff Approval, this is a situation where the applicant did a lot of work in a lot of different towns and we acknowledge that our thresholds are lower than different communities and we are looking at increasing them. In this case, all together even if the changes go forward that we talked about for Site Plan Review on some of the thresholds, this would

probably still come to you and some of this on its own would have been able to come under Staff Approval.

Mr. Reiche advised that he shares Lynn and Linda's concerns and it is very clear which is the more expensive plan and what we looked at originally is a more elaborate and appealing more expensive plan. He asked how this works procedurally and was a building permit issued? Ms. Pelletier advised that there was a building permit issued on the original drawings and they made changes in the field. Again, if the Board has a concern that this does not meet a standard in 527, you would have to make a finding. You are not obligated to approve this if you feel there is an issue. You would have to be very clear to the applicant what standards you have concerns about in either 602 or 527 that they are not meeting so they would be given a chance to make modifications that they feel could demonstrate that they meet the criteria that the Board is concerned about. Mr. Reiche asked how this went through the Building Permit process? Ms. Pelletier advised that she has not pulled the Building Permit so she could comment on that.

Vice Chair Yankee asked who would go out and look at this while it was under construction to make sure it complies with the Building Permit? Ms. Pelletier advised that our Town Engineer does the Site Plan Approvals. In this case, the modifications that happened were flagged by the Codes Officer as not matching what was approved by the Board so he advised them to reach out to the Town Planner because this is not what was approved by the Board. They are at the point where they wanted a Certificate of Occupancy that is not being issued because they do not have approval from this Board on these. Vice Chair Yankee noted he would be curious to know what the timing of this was because it looks like this work was done many, many months ago and when was it picked up? We are seeing it now and it appears to be substantially complete and they are looking for a Certificate of Occupancy so that means it is complete. When was this picked up and why wasn't it raised further rather than hey, we are done. Ms. Pelletier does not know when exactly it was flagged and again, it is not a standard but it is definitely a conversation we can have. The developer reached out and he was under the impression or hope that a lot of this could be done under Staff Approval. She went back and asked them to put it all together on a plan and show her where they are, we realized it was over the threshold. They couldn't make the submission deadline for last month so they had to wait another month. It was definitely flagged before that time. She steered the Board to look at 527 and the standards to see which ones you are concerned about.

Ms. Berger noted that it is beneficial that they are making the footprint smaller and doing a better job of placing it on the land. For her, it is a good thing to do but the process is a problem and she wondered about a slap on the wrist but she doesn't know what anyone else wants to do. If we hold up approval, it is already done and Vice Chair Yankee added that the Board would have to have a basis for that as well. Ms. Berger is not prepared to ask that the approval be held up.

Mr. Donahue pointed out that he has been on the design side of projects and things sometimes change after the fact. He feels it would have been better to inform the Codes Officer of major changes along the way to ease the process along. Maine is not particularly strict about that. In this case, looking at the elevations and the changes to the scale, it feels a little more of a natural fit into the site and the design is less stiff than the one that was there previously so he does not have any problems in that sense. He does not feel there is a reason to hold it up but doesn't know if there is a better way to have future construction projects follow a process that allows changes to fall into the hands of the Codes Officer. Ms. Pelletier pointed out that Freeport is a small town and this is bigger than a lot of things we have ever seen. To that note, they are still not done and they are still building on the back half of this. She feels they heard the Board very clearly tonight and if there are any changes they want to make, hopefully they will come in prior. They haven't made any changes to her knowledge to the residential buildings they are constructing. She feels they heard the Board clear on that if they make future changes.

Ms. Hamlen is not judging one design versus another. It is the question of the change. It is helpful to know that we don't have that control over design. She was not on the Board when it was approved so she is seeing the original for the first time and she is seeing the change. She was wondering what happened and might others assume the same? We have a couple of big projects going on downtown and mentioned precedent setting. Mr. Reiche added that it is all a procedure. This is the biggest project we have had and we went to a lot of effort to make sure there was public comment and he doesn't hope this happens again in the future.

Ms. Pelletier checked on zoom and promoted Mr. Monteleone at 6:50 p.m. He mentioned that he joined at the end of the discussion and he has nothing further on what has been said so far. There were no other members of the public wishing to comment.

Vice Chair Yankee suggested that Staff take a look at the process for these larger projects going through the system and see if we can come up with a means to better catch this type of issue. Ms. Pelletier advised that it was noted.

Proposed Findings of Fact: (Section 602.F. of the Freeport Zoning Ordinance)

- a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

The general layout of the site, building and site features remains unchanged. No additional clearing resulted from these changes. There was an overall decrease in the amount of impervious area on the site and the building square footages decreased. Based upon the changes presented, the Board finds that the proposal still complies with the standards of Section 412 (Commercial District IV) and Section 527 (Performance Standards for Commercial Districts) of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards or the Design Review Ordinance in its Site Plan Review findings.

The general layout of the site, building and site features remain unchanged. No additional clearing resulted from these changes. The proposal complies with the standards of Section 412 (Commercial District IV) and Section 527 (Performance Standards for Commercial Districts) of the Freeport Zoning Ordinance. This parcel is not within the Design Review District. Based upon this information, the Board finds that this standard has been met.

- c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible

Vehicular access to the site has not changed from what was previously approved. Based upon this information, the Board finds that this standard has been met.

- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior

circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

The general layout of the site, building and site features remain unchanged. Minor alterations to some interior sidewalks and the EV vehicle charging area are proposed. Based upon this information, the Board finds that this standard has been met.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

There was an overall decrease in the amount of impervious area on the site and the building square footages decreased. No changes to the previously approved stormwater management plans are proposed. Based upon this information, the Board finds that this standard has been met.

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

No changes to utilities are proposed. Based upon this information, the Board finds that this standard has been met.

- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

A minor shift of the location of the previously approved ground sign is proposed. Based upon this information, the Board finds that this standard has been met.

- h. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

Dumpsters and utility areas including pool equipment will be screened with a new style of fencing and in the same general area. Based upon this information, the Board finds that this standard has been met.

- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the

ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

No change to exterior lighting is proposed. Based upon this information, the Board finds that this standard has been met.

- j. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

- k. **Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

No changes to the previously approved landscaping plan are proposed. Based upon this information, the Board finds that this standard has been met.

- l. **Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

This parcel is not within the Marine Waterfront District or the Shoreland Zone. The building will be connected to public utilities. There are no areas of flood plain identified on the site. A stormwater management and erosion control plan was previously submitted and reviewed and approved by the Town Engineer. There are no known historic or archaeological resources that will be negatively impacted by this project. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Freeport Zoning Ordinance.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for Mast Landing LLC for modifications to the previously approved site plan for the Residences at Crosstree, located on Conway Street and Rogers Road (Tax Assessor Map 22, Lot 24), application dated 09/28/2022, to be

built substantially as proposed, finding that it meets the standards of the Freeport Zoning Ordinance with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Past conditions of approvals are still applicable. (Reiche & Hamlen) **ROLL CALL VOTE:** (5 Yes) (1 Abstention-Monteleone) (1 Excused-Blanchard) (0 No)

Freeport Town Hall – Main Street – Design Review Certificate & Site Plan Amendment

The applicant is seeking approval of a Design Review Certificate and Site Plan Amendment for alterations at the Freeport Town Hall. Changes to the building are proposed including gutter replacement, the removal of stairs, removal of an existing ramp, and the addition of new accessible entrances including ramps. Site alterations include modifications to the existing vehicular and pedestrian areas, plantings, lighting, retaining walls, new benches, the addition of a granite block seating wall, and stormwater management. Design Review and Site Plan Review are required. Zoning Districts: Village Commercial I (VC-I), Design Review District One – Class A & Color Overlay District. Tax Assessor Map 11, Lot 130 (30 Main Street). Town of Freeport, applicant and owner; Adam Bliss, PE, Town Engineer, representative.

Ms. Pelletier explained that Adam Bliss our Town Engineer is here representing the Town's application. The application before the Board is largely Site Plan Modifications out front of Town Hall. We have a nice big green space that is underutilized. The changes include doing some fill in the area, bringing up the grade, doing some beautification, doing some pedestrian improvements and circulation improvements. They are proposing to provide some granite outdoor seating in the front area. A couple of the big site changes would be 1) restriping and fixing the parking area and the driveway that is coming into Town Hall. There will be a relocation of the accessible parking spaces but not an overall decrease. There is a slight increase in impervious area on the site. One of the second big changes would be part of the accessibility improvements. This proposal suggests removing the front stairs at the building and also on the side of the building removing the stairs and the ramp and with the grade changes there will be an accessible pathway without steps that will lead to the building entrances so that people of all abilities can easily access the Town Hall site, the parking area and then come right in to the building.

Adam Bliss introduced himself and thanked Ms. Pelletier for introducing the project. He noted he has pretty pictures as well as black and white technical pictures. He noted he would start with the black and whites because it gives the overall picture and provides you with how we are going to phase the project in terms of construction. He will then show the Board the pretty pictures to give them a feel for what they are proposing here at Town Hall.

He displayed his Site and Landscape Plan and mentioned that this project originally started as a simple stormwater project from a DEP grant we received. In talking with Staff, they brainstormed and thought why don't we explore opportunities to make this ADA accessible. They coupled that idea with the Downtown Vision Study that we have been going through for a couple of years now so all these design elements came together in a few words welcoming and making the front lawn area accessible, more enjoyable to be at and a place where people can come and have a cup of coffee, conversation and a better public gathering space.

In red, he called it the Main Street or front entrance and that it is Phase One and he would focus on it first. Phase Two is outlined in blue, he would call it the parking lot or side entrance. The priority is in red so we can make these improvements starting in the spring and have them ready for summertime in concert with other Downtown Vision projects that may start to happen. They want to demonstrate to the public, the residents, everybody and the stakeholders that gave input during the Downtown Vision Study that we are committed to revitalizing downtown. This is a project that supports that Study and here is how it does that.

Shaded in gray we have new walkways. Right now, the walkways are awkward and we have one that goes down to Grove Street that almost no people use. We have a set of steps that are at the midway of the sidewalk at Main Street that people do use. We have a few people that use the intersection of the driveway where that walkway is. As we dove deeper into

that front lawn area, we have discovered that it is cluttered. It is congested. It is underutilized. We then took another step back and asked how can we make Town Hall more accessible? He indicated how people park and use the crosswalk and get to the crosswalk where it currently is and have this decision of do I go right or do I go left? 90% of the people go right which is okay but we want that to be more of a 50-50 mix. This layout makes that decision easier. Again, focusing on the front we have about 20 feet away from the front porch area is a congregation circle. It is a circle 20-foot diameter with granite benches for seating. We have walkways that connect into it, all graded at less than 2% slope. There are no steep ramps going down. It is all gentle graded. To accomplish that, we have to bring the grade up and then we will feather that back into the landscape. In terms of landscape, we have lawn area and surrounding the circle is this ellipse of planted gardens, stormwater treatment ponds and around the ellipse is the granite block seat wall. Along the walkways we have pedestrian bollard lighting 42 inches tall, full cutoff LED fixtures designed to cast a smooth light rather than an overhead glaring light. Lastly, in terms of the front lawn area we have bike racks, street trees on the back side of the sidewalk and we have spread out a lot of the congestion by relocating the Armed Services Monument that a lot of people do not realize is there and the flag pole. We are moving it so that it is front and center and visible from the parking lot. We have to phase this because we have to provide accessible entrances continuously.

Phase Two will happen and that is more focused on walkways and adding additional parking. Right now, Staff parks in a private lot out back and there is no guarantee they will be able to do that forever so let's take the opportunity to capture additional parking where we can so we are adding a positive Net 5 new parking spaces. We tried to carve in some more spaces but it just was not possible. In Phase Two we intend to include a couple of EV charging stations in the far west corner and the retaining walls that make the walkway accessibility possible. Three parallel spaces will be accomplished by relocating curb lines to accommodate 9-foot-wide spaces in a 15-foot-wide drive aisle.

He displayed an overhead-colored rendering of the site as well as an elevation of the front lawn area which will be a respite. He explained that we know that people like to relax in green spaces, not parking lots. They like shade in the summer and they like light and greenery and vegetation. He paused and offered to answer questions.

Ms. Hamlen understood that he received a grant and congratulated Mr. Bliss. She feels it is such a great way to tell the community we are moving forward with the Vision and have it set by the Town itself. It is a great first toe in the water and she feels it will be very exciting and encouraging and will make others want to do the same. Mr. Reiche asked if any trees would get lost in this? Mr. Bliss assured him that every tree will be preserved but they had to massage the walkway location a bit. He met with many people including the Town's arborist that advised that that one birch tree has 35 years of growth and should be preserved. Mr. Reiche asked if the project next door gets approved, there is a request to reroute some traffic. He asked if it is tied into what Mr. Bliss is doing? Mr. Bliss indicated that it does not. There will be vehicles using the shared driveway that goes out to Depot Street and West Street but yes it will be one way out. He clarified for Ms. Berger that the traffic pattern will continue to be the traffic pattern. Mr. Donahue noted he is trying to figure out the trick to get 5 more parking spaces. It looks like Mr. Bliss made the turn into the lot more forgiving than what is out there. Mr. Bliss agreed and explained why. Earl our Public Works Superintendent asked if there is any way to make it easier for the plows to get in and out. He didn't think of that so hence this radius will be easier for the plow trucks to make that turn. Mr. Donahue mentioned he is concerned about at the entrance drive with cars coming into the parallel space, basically the driver is on the sidewalk side and particularly with the handicap spaces and someone getting out of the car and maneuvering around where they want to go with traffic that flows through there. Is there some way to encourage the traffic to move as slowly as possible? Mr. Bliss shared his concern and he did not think there was a risk for an accident. He knows how people to drive and it is always A to B as quickly as possible so he shared Mr. Donahue's concern. Mr. Reiche asked why the parking wouldn't be on the other side of the road? Mr. Bliss explained from one perspective, for ADA accessibility we want them as close to the building as possible but that was the original design from '86 and '87 which never happened. Mr. Donahue asked if the ADA space could be worked into the main lot? Mr. Bliss advised that it could. As he mentioned he met with many stakeholders including the ADA Task Force and their consultant, Alpha One. Jill encouraged us if we can, to have an ADA spot in one of the parallel spaces. Vice Chair Yankee added that currently there is one right in front but Ms. Berger noted it is removed.

Vice Chair Yankee asked how high the granite retaining wall will be? Mr. Bliss indicated that we would see 30 inches high. It

will be embedded 6 inches so there will be stability so it is essentially a 36-inch block but embedded 6 inches. it will be a bench for people to sit on. Vice Chair Yankee mentioned that if the project is developed next door, there will be cars coming in and certainly more traffic going out. He did not remember the flow pattern from West Street out. Ms. Berger added that it was a one-way going out. Ms. Pelletier added that they both show one way but she thinks there could be potential for flexibility to look at directionally what way is the best but because of the width of this design and that design, they wouldn't be able to do two-way because they would not meet the standards of the ordinance. There is actually a dirt connection now but it is closer to the scale is on the bottom. That is a bigger discussion and it would have to go through Council and it is not a given at this point in time. Vice Chair Yankee advised that right now that lot is being used and people are parking there on weekends for special events and the Farmer's Market. People are parking in the lot for that. Because the driveway will be a bit narrower, is that going to create any bottleneck if you have parallel parking there and traffic still trying to get through and maybe a person that is handicapped is trying to get out on the passenger's side? Mr. Bliss noted that they have designed to the standard and exceed the standard in terms of width. Vice Chair Yankee asked if the grade will be brought up in the front so there is not as much difference in the grade and the top of the steps? Mr. Bliss replied yes but it is hard to visualize because it is the third dimension. It is coming up about 2 feet and then feathering back into grade within these shallow planted fire retention ponds which will be dry. They are intended to fill up and drain out fairly quickly, in 24 hours or so. They are intended to be lush with perennials and he has had many people come up to him and ask if they can help design the perennials we plant in there? He said sure.

Ms. Berger asked if Mr. Bliss is planning on adding signage pointing out that the land use office is this way versus a sign showing about access to the Town Office or Finance? Showing people on the outside the way to go in? She also asked about a walkway from Grove Street and is the plan to get rid of it entirely? Mr. Bliss replied yes. Ms. Berger asked if the sidewalk there would come all around to Main Street and someone would have to walk all the way in if they ended up parking there? Mr. Bliss said yes. Ms. Berger asked about the rain gardens and if Mr. Bliss plans to use the water to irrigate the plants around them? Will there be sprinklers? Mr. Bliss noted that the plan is to use natural irrigation. No mechanical irrigation is planned. Ms. Berger asked about encouraging native plantings. Mr. Bliss noted that they want to encourage pollinators and butterflies.

Mr. Reiche advised that he is in favor of this project but he does not understand an important reason to have the parallel parking on the left. He provided three reasons why he thinks it would be on the right. If he was bringing his 95-year-old Dad or a grandchild in here, he would prefer to unload them on the regular side of the road. The driver is on the passenger side and his Dad or grandchild is on the traffic side. It is not the norm. We always park on the right side of the road. For what it is worth, Mr. Bliss said it was excellent input but there is no such thing as 100% customer satisfaction. He knows there are some stakeholders out there that would say they want offloading on the left for offloading ADA accessibility if the ADA person is the driver.

Ms. Pelletier added that there appears to be some unease about parallel parking on the lefthand side so should Mr. Bliss look at this and decide that it could be safely accommodated on the righthand side, for anybody else, that would be a change we could sign off on but she would summarize herself as being overly cautious on signing off on anything for the town. She would have it come to the Board. If there is a way he could look and possibly put that on the other side, is that something we could put conditionally that we could sign off on at the Staff level on without making him to have to come back? To help answer that, Vice Chair Yankee asked if Mr. Monteleone has any comments or questions. Mr. Monteleone advised that he is close to Freeport but is not here yet. He knows there are concerns about the parking whereas it is highly likely that drivers will try to do a u-turn and try to turn around and park in the traditional direction in that layout but other than that, he feels these plans look great. To address Ms. Pelletier's suggestion, he would certainly be comfortable with a Staff Approval subject to adjustment of the parallel parking issue. Ms. Hamlen feels this is a pretty building and she always feels she is going in the back door the way we come in today and to make it your goal and vision to make it part of the Town's Main Street, she thinks it is great and she likes it a lot. People may notice it is there. Because of its color and the slope, it just seems to recedes and disappears. You are bringing it forward and making it accessible and more beautiful. That is a good thing.

Mr. Donahue mentioned he thinks the grade at the northeast corner is kind of kooky with the sidewalk pitch there. From

what he is seeing on the plan, the way the path works its way through the site would actually be an easier path for someone in a wheelchair to traverse than try to manage that unusual grade at the corner. Mr. Bliss agreed and noted it would be a lot easier. It will be about 1% which is what he graded it out at so no 5% or 8% down to a landing zone and then flat but gentle. Similar to weaving the walkways around trees, he had to be careful about that walkway location because there are some trees and structures in the way. Mr. Donahue added that it is really a tour de force of grading, drainage and site lighting and plantings creating an atmosphere that is great.

Mr. Joseph wanted to add from the observational perspective, thanked Mr. Bliss for his presentation. He feels it is great. He certainly understands concerns about the left-hand side of the parallel parking. It is not the standard from what has been raised by the Board members and he agrees with the comments on the two non-accessible parking spaces but from an observational standpoint, the space that is about 20 feet to the diagonal upright that is being relocated. He would say 80-90% of people who use that space for accessible parking are single driver vehicles. Most people get out of the vehicle there themselves and are not offloading someone else. That does happen. He mentioned that that probably doesn't help anything about the Board's discussion because he is saying yes, you are right on those two. It is absolutely not the right spot for the accessibility part. Most of the people using the space there would be better served by being on the lefthand side so he doesn't know what the correct answer is but wanted to add it for consideration. Mr. Bliss added that if it helps, he tried to fit spaces between the drive aisle and the bedrock outcrop but it is not going to happen. There is too much rock there. It is a small site and they can be challenging.

Ms. Berger asked if the ADA spaces, particularly the ones on the parallel side are van size? Mr. Bliss pointed to one that is van accessible.

There was no other discussion so Vice Chair Yankee called for a motion.

Design Review Ordinance: Chapter 22 Section VII.C.

1. **Scale of the Building.** The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building "presence"; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

No changes to the scale of the building are proposed. Based upon this information, the Board finds that this standard has been met.

2. **Height.** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood.

No changes to the height of the overall structure is proposed. Based upon this information, the Board finds that this standard has been met.

3. **Proportion of Building's Front Facade.** The "first impression" a building gives is that of its front facade, the side of the building, which faces the most frequently used public way. The relationship of the width to the height of the front facade should be visually compatible with that of its neighbors.

No changes to proportions of the building's front façade are proposed. Based upon this information, the Board finds that this standard has been met.

4. **Rhythm of Solids to Voids in Front Facades.** When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

The rhythm of solids to voids in the front facades will not be altered. Based upon this information, the Board finds that this standard has been met.

5. **Proportions of Opening within the Facility.** Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.

No changes to any openings are proposed. Based upon this information, the Board finds that this standard has been met.

6. **Roof Shapes.** A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.

No changes to the shape of the building are proposed. Based upon this information, the Board finds that this standard has been met.

7. **Relationship of Facade Materials.** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Freeport, many different materials are used on facades - clapboards, shingles, patterned shingles, brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.

The front and side stairs to the building will be removed and concrete ramps with granite retaining walls are proposed to provide access to the building. The existing gutters will be replaced with new aluminum gutters. Based upon this information, the Board finds that this standard has been met.

8. **Rhythm of Spaces to Building on Streets.** The building itself is not the only thing you see when you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to buildings should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street(setback).

The location of the building is existing and although the general layout will remain the same, the front lawn area will be altered with new walkways, plantings and outdoor seating. Based upon this information, the Board finds that this standard has been met.

9. **Site Features.** The size, placement and materials of walks, walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.

The site has been designed to comply with the space and bulk standards of the Freeport Zoning Ordinance. The location of the building is existing and although the general layout will remain the same, site alterations are proposed, including: modifications to the existing vehicular and pedestrian areas, plantings, lighting, retaining walls, new benches, the addition of a granite block seating wall, and stormwater management. Based upon this information, the Board finds that this standard has been met.

10. In addition to the requirements of the Freeport Sign Ordinance, **signs** in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and

scale. **Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".**

No new signs are proposed. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Design Review Ordinance.

Proposed Findings of Fact: Section 602.F.1 of the Town of Freeport Zoning Ordinance

- a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

The location of the building is existing and although the general layout will remain the same, site alterations are proposed, including: modifications to the existing vehicular and pedestrian areas, plantings, lighting, retaining walls, new benches, the addition of a granite block seating wall, and stormwater management. The changes are intended to improve accessibility, vehicular and pedestrian circulation and activate the front yard area as a usable village green space. Based upon this information, the Board finds that this standard has been met.

- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards or the Design Review Ordinance in its Site Plan Review findings.

No new buildings are proposed. Based upon this information, the Board finds that this standard has been met.

- c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible

Vehicular access off Main Street will be retained with some minor modifications to the existing driveway. Based upon this information, the Board finds that this standard has been met.

- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior circulation, separation of pedestrian and

vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

The existing parking lot will be restriped and two electric vehicle charging stations will be installed. The existing parking spaces located near the side building entrance will be removed and additional parallel parking spaces will be added along the site of the town hall access driveway. The overall result will be an increase in five parking spaces. Based upon this information, the Board finds that this standard has been met.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two-year, ten year and twenty-five-year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

In the front lawn area abutting Main Street, the area will be reconfigured with site improvements including raingardens which will be used to treat stormwater. Small areas of impervious surface will be added to the overall site, as needed for the pedestrian and vehicular improvements. The existing bioretention pond (along the Depot Street driveway) will be retained and continue to provide additional stormwater treatment for the site. This pond was upgrade in 2021, and the upgrades are reflected in the submission as well as additional vegetation that is proposed for this area. Based upon this information, the Board finds that this standard has been met.

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

No changes to utilities are proposed. Based upon this information, the Board finds that this standard has been met.

- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

No new signs are proposed. Based upon this information, the Board finds that this standard has been met.

- h. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

There are no special features associated with this project. Based upon this information, the Board finds that this standard has been met.

- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

New pedestrian level bollard style, full cut-off, LED lighting is proposed and some existing lighting fixtures will be removed. A photometrics plan has been included in the submission to demonstrate that the requirements of Section 521.A Exterior Lighting of the Freeport Zoning Ordinance have been met. Based upon this information, the Board finds that this standard has been met.

- j. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

All public safety departments heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

- k. **Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

In the front lawn area abutting Main Street, the area will be reconfigured including the replacement of existing walkways with new concrete walkways which will provide for improved pedestrian circulation and use of the front lawn area. The new walkways will converge to a circular area with granite (pink and gray granite) benches and raingardens which will be used to treat stormwater. A block seat wall will also be installed in the lawn area to provide additional seating for improved utilization of the outside space. The existing flagpole and monument will be relocated and retained and an area for an outdoor art display (with various sculptures) will be added. New street trees near Main Street are also proposed. Based upon this information, the Board finds that this standard has been met.

- a. **Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
- (8) Will avoid problems associated with floodplain development and use; and

(9) Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

This parcel is not within the Marine Waterfront District or the Shoreland Zone. The building is connected to public utilities. Rain gardens are proposed for the treatment of stormwater in the front lawn area and an existing bioretention pond will be retained. No known historic or archaeological resources will be negatively impacted by this project. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Freeport Zoning Ordinance.

MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Design Review Certificate, and Site Plan Amendment for the Town of Freeport, for the proposed site and building alterations at the Freeport Town Hall at 30 Main Street (Tax Assessor Map 11, Lot 130), application dated 09/28/22 to be built substantially as proposed, finding that it meets the standards of the Freeport Design Review Ordinance and the Freeport Zoning Ordinance with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions. (Hamlen & Berger) **VOTE:** (6 Yes) (1 Excused-Blanchard) (0 No)

ITEM IV: Persons wishing to address the Board on non-agenda items.

Ms. Berger wanted to discuss Shoreline Stabilization and noted the idea of having approvals from outside agencies, she knows the Board is saying they are not the same thing, they don't relate specifically but in her background she has found that sometimes the Board approves something and then the State or the DEP has to also do an approval so the applicant starts the work and the State says, wait a minute. If you are going to do this, we need you to change the location of this. It makes a conflict of how you change what was already approved by us. She feels that putting into your standard lines of approval in some of these cases particularly shoreline the additional item about all approvals from the Town Engineer but all approvals including any from the State, the archeological department or whatever it is that is related be included in a standard set of your approvals. The approval would come from us but there would be conditional conditions as a standard.

Ms. Pelletier felt we could do that. Mr. Donahue asked if the Shoreland work needs a Building Permit from Codes Enforcement? Ms. Pelletier advised that certain things in the Shoreland need certain permits from the Codes Enforcement Officer. The applicant is always responsible for getting their outside agency permits whatever they may be and if they don't do that, it is a problem between the two of them. Historically like Site Location since it is such a big review that is something we make contingent a lot of times because we know it will result in changes. She doesn't think it causes any harm by putting it in there as a standard condition. We can't rely on them to do the Town's job but you can definitely flag them getting whatever outside approvals are necessary. She likes the idea of somehow putting a generic standard for these. She definitely does not know all the ins and outs of DEP and there can be different tiers or different permits that are required. If we do a general statement, we wouldn't get it wrong.

Mr. Monteleone added that in looking back at some of the DEP approval papers, he sees that DEP findings on some of these stabilization projects, although they are standard, they are slightly different. Their findings are directly on point with the findings we are asked to reach without any level of expertise or understanding whatsoever. Receiving that kind of informed input, particularly while we are at the preliminary stage of reviewing these, is worth asking applicants to provide that to us before we consider a project because it is not a meaningful delay. These projects are typically drawn out over many months. It is not an unreasonable burden to say find us the DEP findings and that will provide us with a rational basis to say, we meet all the boxes because people know what they were doing here have evaluated this.

Before the change was made, this was a process that the Codes Enforcement Officer was closely involved on as to tree

cutting. This is one of the rare exceptions that allows tree cutting in the restricted zone and it is ripe for abuse. In his particular experience it involved two site visits from the Codes Enforcement Officer plus post completion site visit because it is taken very seriously. It is unclear to him under the new standard where or if that review happens. He feels it is important to figure that out and at least in some way fold in the Codes Enforcement Officer's review of tree cutting issues into our materials.

ITEM V: Adjourn.

MOVED AND SECONDED: To adjourn at 7:37 p.m. (Monteleone & Reiche) VOTE: (6 Yes)
(1 Excused-Blanchard) (0 No)

Recorded by Sharon Coffin